

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-22 were pending in this application. Claims 1, 8, 14, 16, 18, and 20 have been amended and claim 21 has been canceled without prejudice. Accordingly, claims 1-20 and 22 will be pending herein upon entry of this Amendment, of which claims 1, 8, 16, and 20 are independent claims. Support for the amendment to each of the claims can be found, for example, at paragraphs [0049] – [0056] of the present application. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action mailed October 20, 2004, claims 1-22 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,127 to Leeke et al. (“Leeke”). To the extent this ground of rejection might still be applied to claims presently pending in this application, it is respectfully traversed.

Amended claim 1 recites a method for providing media samples including, among other things, downloading a branded player to enable playback of the identified media sample when the identified media sample is associated with a branded player. The method of amended claim 8 also recites that the media sample is automatically played on a media player associated with the consumer device, and a branded player associated with the media sample is automatically provided so that the media player plays back the media sample on the branded player. Similar “branded player” features are also included in amended claims 16 and 18.

Contrary to the Examiner's assertion, the branded player recited in the amended claims is different from banner 874 and region 876 (shown in Figure 37) of Leeke. As described in col. 27, lines 2-6, banner 874 displays banner advertisements that rotate in accordance with a predetermined schedule and region 876 displays logos and attractions that also rotate in accordance with a predetermined schedule. As shown in Figure 37, banner 874 and region 876 are displayed on a computer screen together with pick list 872 that allows a user to select a station from radio dial 870. That is, the displays of banner 874 and region 876 are independent of any media sample identified by the user. Accordingly, Leeke fails to teach or suggest downloading a branded player to enable playback of the identified media sample when the identified media sample is associated with a branded player, as recited in amended claim 1.

Similarly, Leeke fails to teach or suggest that "a branded player associated with the media sample is automatically provided so that the media player plays back the media sample on the branded player," as recited in amended claim 8 and that a "media framework further downloads a branded player" "associated with the identified media sample so that the media player associated with the consumer device plays back the identified media sample on the branded player," as recited in amended claims 16 and 20.

Accordingly, Applicants respectfully submit that independent claims 1, 8, 16, and 20, as amended, are not anticipated by Leeke and should be patentable. In addition, Applicants respectfully submit that dependent claims 2-7, 9-15, 17-19, and 22 are also patentable at least due to their dependencies from their respective independent claims.

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In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.


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Respectfully submitted,

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